

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NALANA OMEGA,

Petitioner,

v.

MICHAEL PALLARES,

Respondent.

No. 2:22-cv-00178-KJM-EFB (HC)

ORDER

Petitioner Nalana Omega, a state prisoner proceeding without counsel, has filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 28, 2022, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.¹

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¹ Although it appears from the file that petitioner's copy of the findings and recommendations was returned, petitioner was properly served. It is the petitioner's responsibility to keep the court apprised of her current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 The court presumes that any findings of fact are correct. *See Orand v. United States*,
2 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed
3 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law
4 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court
5 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
6 supported by the record and by the proper analysis.

7 Accordingly, IT IS HEREBY ORDERED:

- 8 1. The findings and recommendations filed November 28, 2022, are adopted in full;
- 9 2. Respondent's May 31, 2022 motion to dismiss (ECF No. 10) is granted;
- 10 3. This case is dismissed without prejudice to petitioner's ability to file it again once her
11 state proceedings are final; and
- 12 4. The court declines to issue a certificate of appealability.

13 DATED: March 6, 2023.

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16 CHIEF UNITED STATES DISTRICT JUDGE
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